

HOUSE BILL NO. 587

INTRODUCED BY D. HOWARD

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF LABOR AND INDUSTRY AND ANY LICENSING BOARD ATTACHED TO THE DEPARTMENT FROM ISSUING A PROFESSIONAL OR OCCUPATIONAL LICENSE TO AN UNAUTHORIZED ALIEN AND REQUIRING THE REVOCATION OF ANY LICENSE ALREADY ISSUED; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Board and department not to license unauthorized aliens -- revocation of existing licenses. (1) On and after October 1, 2009, the department or a board may not grant a license to an unauthorized alien.

(2) The department and each board, as appropriate, shall conduct a review of licensees to determine whether any licenses issued by either of them have been issued to unauthorized aliens. Any license that has been issued to an unauthorized alien must be revoked using a procedure that offers due process of law to the unauthorized alien. The only issue to be determined by the department or board on which they may receive evidence from the alien is whether the United States has determined the alien to be an unauthorized alien.

(3) Licenses issued to unauthorized aliens before October 1, 2009, must be revoked by January 1, 2014.

(4) As used in this section, "unauthorized alien" has the meaning provided in 8 U.S.C. 1324a(h)(3).

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 3, and the provisions of Title 37, chapter 1, part 3, apply to [section 1].

NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to licenses issued by the department or by a board pursuant to Title 37 before October 1, 2009.

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